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UNCLAS NEW DELHI 002348

SIPDIS

CA/FPP FOR JILL NYSTROM, PLEASE PASS TO DHS

E.O. 12958: N/A

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SUBJECT: VALIDATION STUDY OF NEW DELHI'S OVER 55 APPLICANTS

**¶11.** SUMMARY: Fraud Prevention personnel undertook a validation of B1/B2 visas issued to those over the age of 55 in a select timeframe. Conventional wisdom at post is that those older applicants with children well-established in the U.S. respect the law and do not attempt to overstay, particularly if they have legal avenues to immigration. The study showed an overstay rate of approximately 1%, validating current adjudicators' views of these cases. END SUMMARY.

**¶12.** A random selection of 800 B1/B2 candidates over the age of 55 was reviewed for entry/exit data from DHS. Analysis of the data found 11 applicants who appear to have exceeded the legal duration of stay granted them. A further three applicants adjusted their status while visiting the U.S. These results (only 1.3% of applicants apparently out-of-status) strongly support current adjudication practices at post.

**¶13.** COMMENT: General impressions among adjudicators are that those who have well-established children in the U.S., in particular those with "software engineer" sons or sons-in-law currently or initially on H or L visas, are strong visa candidates. The assumption is that such applicants have no financial need to seek illegal immigration. Culturally, they come from mid- to upper-class backgrounds and would not attempt to live "underground" in the U.S., given strong social networks in India.

**¶14.** Recent media reports on those older Indians who immigrate to the U.S. support post's anecdotal impressions. Those who have spent their entire lives in a close family-oriented community, with all that is familiar nearby, often find the U.S. distant and "cold." With children too busy at work, cars needed to travel to any business or recreational facility, and other family members still in India, older immigrants are often at a loss in their daily lives and miss the comforts of home. They would much prefer annual six-month visits to spending all year away from the familiar. A significant stream of those returning their LPR cards in lieu of 10-year B1/B2 visas is the result. Others, aware of the differences inherent in life in the U.S. won't pursue the immigration path and will utilize their non-immigrant visas lawfully.

**¶15.** Mission India recently uncovered a small-scale, nationwide fraud ring that passed the personal details of legitimate H1B holders to elderly Indians, who would then use them in visa interviews to establish bona fides as visiting parents, but at this point this type of fraud appears to be an anomaly to be watched, rather than the wave of the future. END COMMENT.

ROEMER